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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

In the Matter of )  
 )  
 Calling Party Pays Service Option ) WT Docket No. 97-207, DA 98-468  
 in the Commercial Mobile Radio Services )

**COMMENTS OF MOTOROLA, INC.**

Motorola, Inc. ("Motorola") hereby submits these comments in support of the Petition for Expedited Consideration filed in the above-captioned proceeding by the Cellular Telecommunications Industry Association ("CTIA") on February 23, 1998.<sup>1</sup> For the reasons set forth below, Motorola supports CTIA's request that the Commission move forward quickly to establish a federal policy framework promoting the voluntary provision of calling party pays ("CPP") by commercial mobile radio service ("CMRS") carriers on a nationwide bases.

There is a strong need for the FCC to act now in this proceeding. As Motorola demonstrated in its comments and reply comments filed earlier in this proceeding in response to the Commission's Notice of Inquiry ("NOI"),<sup>2</sup> a federal policy promoting the widespread availability of a CPP service option serves the public interest in several significant respects, including by: (1) enhancing competition of CMRS offerings with traditional wireline local

<sup>1</sup> Petition for Expedited Consideration of the Cellular Telecommunications Industry Association, WT Docket No. 97-207 (filed February 23, 1998). *See also FCC Public Notice*, "Commission Seeks Comment On "Petition For Expedited Consideration Of The Cellular Telecommunications Industry Association In The Matter Of Calling Party Pays Service Option In The Commercial Mobile Radio Service" DA 98-468 (March 9, 1998) ("Public Notice").

<sup>2</sup> *Calling Party Pays Service Option in the Commercial Mobile Radio Services*, WT Docket No. 97-207, FCC No. 97-341 (rel. Oct. 23, 1997).

exchange services; (2) promoting more effective use of radio spectrum by facilitating greater wireless network of usage; and (3) meeting customer needs by increasing the usefulness and options available for wireless services. As pointed out by Motorola in its reply comments, the vast majority of the opening commenters agree that broader availability of CPP will promote the public interest and should be encouraged. Motorola agrees with CTIA that the record contains minimal disagreement concerning CPP and endorses CTIA's view that, based on the strong record support for a nationwide CPP plan and the informed debate among commenters with regard to specific implementation issues, the Commission has a valid basis for proceeding quickly with the adoption of an NPRM in this matter.

Moreover, consistent with the goals of the Telecommunications Act of 1996, expedited action will help provide a "procompetitive deregulatory national framework designed to accelerate rapid private sector deployment of advanced telecommunications and information technologies and services to all Americans by opening all telecommunications markets to competition."<sup>3</sup> The *NOI* recognizes the competitive importance of CPP rules where it states that it sought to "explore means of encouraging and facilitating competition in the local exchange telephone market."<sup>4</sup> Rapid action here will do even more than merely encourage competition, it will help promote *evenhanded* competition by reducing the competitive advantage enjoyed by wireline local exchange services over CMRS offerings.

In addition, as discussed in detail in its comments and replies, Motorola suggests that the Commission take a reasoned, deregulatory approach to CPP by merely establishing a national

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<sup>3</sup> S. Conf. Rep. No. 104-230, 104th Cong. 1 (1996).

<sup>4</sup> *NOI* at 1.

policy declaring that CPP is in the public interest and promoting the effective development of nationwide CPP service. The Commission should not issue detailed regulations governing or mandating CPP. Instead, the Commission should permit the marketplace to determine the success or failure of CPP and the precise way in which CPP is offered, with industry segments working together to resolve the technical issues associated with the provision of CPP service. Along these same lines, although the record indicates the state regulatory barriers are one factor that has interfered with the free market deployment of CPP by CMRS carriers, Motorola believes that the Commission does not need to exercise its preemptive authority. Rather, Motorola supports a cooperative framework under which the FCC, the industry, and state governments work together to implement CPP service. Under this approach, once national standards for CPP have been agreed to, the Commission could address any inconsistent state requirements on a case-by-case basis.

This coordinated, cooperative, non-intrusive effort would ensure that all relevant viewpoints are properly considered. In fact, such an approach would help attain the Commission's goal of working in a more cooperative manner with state public utility commissions: "[t]he goal of assuring competition . . . will only be achieved if the FCC and the states work together."<sup>5</sup>

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<sup>5</sup> Statement of William E. Kennard, Chairman of the FCC, on the Filing of Petition for Writ of Certiorari (November 10, 1997).

For each of the foregoing reasons, Motorola urges the Commission promptly to issue an NPRM proposing a national policy framework for CPP consistent with the recommendation or outlined in Motorola's comments and reply comments that contemplates coordinated federal and state efforts.

Respectfully submitted,

**MOTOROLA, INC.**

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Dated: May 8, 1998

## **CERTIFICATE OF SERVICE**

I, Cheryl Hearn, hereby certify that on this 8th day of May, 1998, a true copy of the attached "Comments Of Motorola, Inc." has been served, via hand delivery, on the following persons:

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